IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Bail Appl..No. 4453 of 2007()

[CRIME NO.343 OF 2007 OF GURUVAYOOR POLICE STATION]

APPICANTS/ACCUSED NOS.1 TO 3:

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1. SANDEEP, AGED 25 YEARS,
S/O. RAGHAVAN, KOCHERIYIL, CHATHANKADU CROSS ROAD,
PALARIVATTOM, ERNAKULAM, REPRESENTED BY HIS FATHER
GUARDIAN 2ND APPLICANT.

2. K.S. RAGHAVAN, AGED 61 YEARS,
S/O. LATE K.K.SUBRAMANIAN, KOCHERIYIL,
CHATHANKADU CROSS ROAD, PALARIVATTOM, ERNAKULAM.

3. SAROJINI RAGHAVAN, AGED 58 YEARS,
W/O. K.S.RAGHAVAN, KOCHERIYIL, CHATHANKADU CROSS
ROAD, PALARIVATTOM, ERNAKULAM.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING
S.I. OF POLICE, GURUVAYOOR POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4453 of 2007

Dated this the 24th day of July 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 3. Altogether there are three accused persons in the crime registered. That crime was registered on the basis of a private complaint filed by the de facto complainant. The petitioners are the husband and parents-in-law of the de facto complainant. The first petitioner/husband is a mentally challenged person. It is the case of the petitioners that the marriage was entered into fully conscious of the disability of the first petitioner and for valid consideration. But subsequent to the marriage, the de facto complainant was allegedly not prepared to abide by the commitments which she had undertaken before the marriage. Consequently there was a dispute. According to the petitioners, totally false and vexatious allegations are raised because of such strain in the matrimonial relationship.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied in the facts and circumstances of this case that anticipatory bail can be granted to the petitioners subject to appropriate conditions.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 31/07/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 01/08/2007 and 02/08/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 31/07/2007, they shall be released from custody on their executing a bond for Rs.25,000/-(Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 31/07/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007